

REMARKS

I. INTRODUCTION / STATUS OF CLAIMS / STATUS OF AMENDMENTS

In response to the Office Action dated May 27, 2005, the claims have not been amended. Claims 1-10, 13-22, 25-34, 38-40, 42-44, and 46-48 have been withdrawn from consideration and claims 11-12, 23-24, 35-37, 41, 45, and 49 are currently pending. Re-consideration of the application is requested.

II. GROUNDS OF REJECTION

On page (2) of the Office Action, claims 11-12, 23-24, 35-37, 41, 45, and 49 were rejected under 35 U.S.C. §103(a) as being unpatentable over Berstis, U.S. Patent No. 6,182,010 (Berstis).

Applicants respectfully traverse these rejections.

Specifically, some of the claims were rejected as follows:

(Amended) Regarding claim 11, Berstis teaches a system for accessing geographic information comprising:

- (a) a personal digital assistant (figure 1);
- (b) an application on the personal digital assistant, the application configured to
 - (i) request map data from a server (figure 3; col. 4, line 57 to col. 5, line 2);
 - (ii) receive the map data in a mapset constructed prior to the server receiving the request, wherein the mapset comprises map data for two or more maps (abstract, figure 5; col. 5, lines 53-65; col. 7, lines 13-20);
 - (iii) format the map data (col. 2, lines 20-25);
 - (iv) display the map data on a screen of the personal digital assistant (col. 2, lines 52-60).

Although Berstis does not explicitly teach that the map data is requested from the servlet, he discloses the server in which the map data is requested from contains software programs including servlets (col. 4, line 45). One of ordinary skill in the art at the time the invention was made would have been motivated to employ a servlet to process request because it has the capability to extend web servers by generating dynamic web contents, therefore making the system more flexible.

Claims 41, 45 and 49 have similar limitations as claim 11, therefore are rejected under the same rationale.

III. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claims 11, 23, and 35 are directed towards a PDA used to access geographic information (see page 8, lines 22-23). More specifically, an application on a PDA requests map data from a servlet (see FIG. 1; page 17, lines 11-15; page 18, lines 6-8; FIG. 3). The map data is then received by the PDA in the form of a mapset (see page 22, lines 1-5).

The claims specifically provide that the mapset contains map data for two (2) or more maps (see page 19, line 19-page 20, line 4). Further, the claims also specifically provide that the mapset

was constructed prior to the servlet receiving the request from the PDA (see page 9, lines 10-18; page 18, lines 15-18; page 20, lines 5-13; FIG. 4; FIG. 5; page 21, lines 2-15; page 22, lines 3-5; page 23, lines 7-10; and page 24, lines 4-5). Once the mapset is received, the PDA formats and displays the mapdata from the mapset on a screen of the PDA (see page 16, lines 9-15; page 17, line 22-page 18, line 5; page 28, lines 5-7).

Applicants note (with particularity) that the claims provide that the mapset (which consists of two or more maps) is constructed prior to receiving the request for map data from the PDA.

Dependent claims 12, 24, and 36 provide that the request from the PDA to the servlet is a "GET" HTTP request (see page 21, line 16-page 22, line 5). As known in the art and set forth in the specification, such a GET request retrieves whatever information is identified by a request that specifies a uniform resource identifier (URI).

Dependent claim 37 merely specifies that the article of manufacture set forth in independent claim 35 is a personal digital assistant.

Independent claims 41, 45, and 49 provide a system, method, and article of manufacture respectively for accessing geographic information (see page 8, lines 22-23). All of the claim sets are from the perspective of a personal digital assistant and not the server perspective with limitations similar to those set forth in independent claims 11, 23, and 35. Initially, map data is requested from a servlet (see FIG. 1; page 17, lines 11-15; page 18, lines 6-8; FIG. 3). The next step in all of the claims diverges from the steps set forth in independent claims 11, 23, and 35. In this regard, the claims specifically provide that the map data in a mapset was constructed in parallel on multiple processing units (see page 9, lines 4-9; page 11, lines 9-14; page 12, line 22; page 15, lines 14-17; page 20, lines 11-21; page 22, lines 3-5; page 23, lines 7-14; FIGS. 3, 4, and 5). The remaining steps format and display the data as in claims 11, 23, and 35 (see page 16, lines 9-15; page 17, line 22-page 18, line 5; page 28, lines 5-7).

IV. ARGUMENT

Independent Claims 11, 23, and 35

Applicants traverse the above rejections. Specifically, Berstis does not teach, disclose or suggest a PDA receiving a mapset containing data for multiple maps, wherein the mapset was constructed prior to the PDA requesting the data.

As stated above, Applicants note that the claims provide that the mapset (which consists of two or more maps) is constructed prior to receiving the request for map data from the PDA. The rejection address the prior construction element of the claims relying on col. 7, lines 13-20 which provides:

In a preferred embodiment, graphical image 92 is stored in a local mass storage device such as mass storage device 54. Preferably, mass storage device 54 is a DVD ROM device. Disks can be stored which provide the images for an entire region. Local storage of the images provides for rapid retrieval and display. An alternative is to store the images in a server system provided by server 40 (as in FIG. 3). This approach provides nearly limitless storage, but it may have lower image access rates depending on the transfer rate of the wireless data link.

As can be seen from the above text (and the remainder of Berstis), there is no description or suggestion, implicit or explicit, regarding when a mapset is constructed. Instead, the text merely provides that images may be stored in a server system. However, the fact that a mapset comprised of data for multiple maps is constructed prior to even receiving a request for such map data from a PDA is unique and novel to the present invention. As stated in the background of the present specification page 8, lines 14-16:

When vector or raster-based data are needed, the information is typically created and downloaded upon request. Consequently, each time a map is requested, delays from obtaining and transmitting the requested map result.

The present claims clearly provide an advantage over the prior art in that the file is constructed prior to receiving a request. Accordingly, there is no delay for obtaining the map result to transmit to the client. Berstis fails to teach such a mapset construction. Instead, Berstis would fall within the prior art wherein the user experiences a delay while the data for the mapset is obtained.

The Office Action also relies on the abstract, figure 5, and col. 5, lines 53-65 to teach the timing of the construction of the mapset. However, contrary to that asserted in the final Office Action, these cited portions are consistent with col. 7, lines 13-20 in that images may be stored in a server system and Berstis completely fails to even remotely describe the claimed limitations. For example, the Abstract states that as the vehicle approaches a location, a visual image of the location is retrieved and displayed. The Abstract further provides that the image may be photograph of the location displayed in a pop-up window or may be a graphic image or text that is superimposed on or associated with an image. However, as stated above, this portion of Berstis completely lacks explicit

or implicit descriptions, teachings, or any reference to when the photo, graphic image, or text was constructed.

Col. 5, line 66 –col. 6, line 14 describes FIG. 5 and provides:

When the vehicle reaches a selected distance (or time) away from intersection 90, a display function in the device is invoked to fetch a photographic image 92 of intersection 90 depicting the impending scene. This image is then displayed as shown in FIG. 5. The graphical image 92 in this example provides aid to the driver of the vehicle by allowing him or her to see landmarks, such as water tower 94 and tree 96, at the critical location 90 in their natural perspective. The image may be of any convenient format (e.g., jpeg, gif, png, or the like) that may be readily transmitted (if required), stored and displayed. In an illustrative embodiment, the image is displayed in a pop-up window 93 on graphical display 12. Preferably, the window is generated by the device's browser. Alternatively, if the device does not include a browser, a separate window may be created by the device's operating system.

As can be seen from this text, FIG. 5 merely describes how a photographic image is fetched and displayed to assist the driver in identifying landmarks. Again, nowhere is there any description of when map data is constructed into a mapset and that such data is constructed prior to the server receiving the request for the picture.

Again, the claimed mapset is comprised of two or more maps that are constructed together into the mapset prior to the request for map data. Additionally, the mapset is retrieved as a unit in response to the request for map data. With respect to Berstis, there is no mapset that is retrieved of such multiple maps. Even if one argues that the photo and a map are the two maps that are part of the mapset, Berstis expressly describes that the photo is retrieved separately and not as part of a mapset with the underlying map.

The last element relied upon is that of col. 5, lines 53-65 that describes FIG. 4. Again, there is a single map displayed on a display device and the location of the vehicle is displayed and updated continuously in real-time. Further, certain points may be designated as difficult to navigate. However, once again, this portion of Berstis (and the remainder of Berstis) lack any description or suggestion, implicit or explicit, of the construction of a mapset as claimed. The cited portion completely fails to describe when the map that is displayed is constructed.

In response to some of the above arguments, the final Office Action provides:

In response to Applicant's argument that Berstis does not teach, disclose, or suggest a PDA receiving a mapset containing data for multiple maps, wherein the mapset was constructed prior to the PDA requesting the data, the Patent Office respectfully submits that this is being taught in figure 5 of Berstis. Figure 5 illustrates a map as well as a photographic image of a physical area of a location on a PDA. The combination of the photo and the map is interpreted as a "mapset." As to whether or not the mapset was constructed prior to the PDA requesting the data, col. 2, lines 43-51 of Berstis discloses image contents being collected and stored on given physical media such as a server, which is transferred to a user's computer for display. The collection and storage imply that these images are

created prior to the PDA requesting the data. Therefore, Berstis does teach the claimed feature and the rejection is sustained.

Applicants respectfully traverse the above assertions. Firstly, the combination of a photo and a map are not equivalent to a mapset as set forth in the claims. As claimed, the mapset is map data for two or more maps. A photo is not equivalent to a map or map data for a map. Instead, a photo is merely a graphical image of a particular landmark. In this regard, a landmark is not a separate map from the map that the landmark appears on. The claims specifically provide for map data for two or more maps. Nowhere is there any description of two or more maps in Berstis.

In addition, to interpret a photo as equivalent to the map data for two or more maps is wholly inconsistent with the definition of a mapset that is used in the claims and as set forth in the specification. Under *Phillips v. AWH* (Fed. Cir., No. 03-1269, 7/12/05) one must look to the written description for guidance as to the meaning of the claims (see page 16 of opinion). To interpret a photo as map data for a map that is included in a mapset is completely inconsistent with the use of map data and mapset as set forth in the specification.

The rejection relies on col. 2, lines 43-51 to teach the timing of construction of the mapset. The final Office Action makes the illogical assumption that merely because image contents are stored on a server means that the images are created prior to a PDA requesting the data. Firstly, the claims do not state that all of the data was created prior to the PDA requesting the data. Instead, the claims provide that the mapset (which is delivered in response to a request from a PDA for map data) is constructed prior to receiving the request for the data. In other words, the actual map data file or single mapset that contains map data for two or more maps (i.e., a mapset that is a combination of map data for multiple maps) is constructed into the single mapset prior to receiving a request for map data. Col. 2, lines 43-51 merely state that image content is stored on a CD-ROM in a vehicle or in a server. In this regard, as soon as a picture or any image is taken, it is stored somewhere. However, the claims do not provide for merely storing random content. Instead, the claims provide for storing a mapset that has map data for multiple maps. Further, the construction of this mapset is conducted prior to receiving the request for the map data contained within the mapset. Nothing in Berstis even remotely relates to or suggests the timing of construction of such a mapset. Col. 2, lines 43-51 does not even remotely describe a mapset or file that contains a combination of a picture/photo and a map.

In view of the above, Applicants submit that Berstis completely fails to describe, teach, suggest, or allude to multiple aspects of the presently claimed invention.

In addition, the various elements of Applicants' claimed invention together provide operational advantages over the systems disclosed in Berstis. In addition, Applicants' invention solves problems not recognized by Berstis.

Independent Claims 41, 45, and 49

Applicants traverse the above rejections. Specifically, Berstis fails to even remotely describe constructing a mapset in a parallel on multiple CPUs.

As stated above, independent claims 41, 45, and 49 are generally directed towards a PDA used to access geographic information. In fact, the claim elements are very similar between claims 11, 23, and 35 and 41, 45, and 49. However, the distinguishing limitation in claims 41, 45, and 49 provides that the map set is constructed in parallel on multiple processing units.

In rejecting these claims, both the Office Action and final Office Action merely states that these claims have similar limitations to that of claim 11. However, the parallel constructing and multiple processing units are not similar limitations to claim 11. Further, none of the cited references even remotely suggest or allude to such claim limitations.

Under MPEP §2142 and 2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)." The rejection merely ignores the parallel processing and multiple CPU limitations. Such explicit claim language cannot merely be ignored.

Applicants presented the above arguments in response to the first Office Action but the rejection was not changed and the above arguments were not addressed in the final Office Action. Applicants respectfully reassert the above arguments.

For at least the above reasons, Applicants submit claims 41, 45, and 49 are allowable over the cited art.

IV. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,


Howard Marantz et al.

By their attorneys,

GATES & COOPER LLP

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

Date: July 27, 2005

By: 
Name: Jason S. Feldmar
Reg. No.: 39,187